

California Department of Health Services

Licensing and Certification Program

Plan for Hiring Positions

Report to the Legislature

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CDHS Licensing and Certification Program's
Plan for Hiring Positions
2006 Budget Act
Executive Summary

This report is in response to Assembly Bill (AB) 1801 (Chapter 47, Statutes of 2006) and the 2006 Budget Act, Provision 9 of 4260-001-0001, which requires CDHS to report with a plan for hiring positions in the Licensing and Certification Program (L&C). The report outlines a plan to fill the new Health Facility Evaluator Nurse (HFEN) positions allocated in the fiscal year (FY) 2006-07. The report also describes L&C's efforts to maintain staffing levels through aggressive recruitment.

This report meets the mandate of the legislation. L&C is committed to filling its surveyor positions and meeting all mandated workload.

MANDATE FOR THE REPORT

AB 1801, Laird (Chapter 47, Statutes of 2006) also known as "The Budget Act of 2006" requires the California State Department of Health Services (CDHS) to provide the fiscal and appropriate policy committees of the Legislature with a plan for hiring positions in the Licensing and Certification Program (L&C) as adopted in the Budget Act of 2006. This plan shall be provided no later than October 1, 2006, and, at a minimum, shall contain all of the following: (a) a schedule for hiring new personnel that specifies their field offices, (b) methods for recruitment of employees for field offices, (c) a description of training for new personnel, (d) methods for retaining new personnel as well as existing employees in the field offices; and (e) any other information the department chooses to provide to depict its commitment to maintaining a well-trained, viable workforce in the field offices.

BACKGROUND

L&C's mission is to promote the highest quality of medical care in community settings and health care facilities by ensuring the health and safety of residents in these settings. L&C is the state entity responsible for licensing health care facilities and agencies to do business in California.

Licensing is a state mandated and controlled function, the goal of which is to ensure that health care facilities providing health services in California meet acceptable standards regarding scope of services, qualifications and training of staff, the physical layout and condition of health care facilities, and systems governing the appropriateness and quality of the services provided. Additionally, L&C is the designated entity under contract with the U.S. Department of Health and Human Services (HHS), Centers for Medicare and Medicaid Services (CMS) to verify that health care facilities meet minimum certification standards to qualify for Medicare and/or Medicaid reimbursement.

L&C is also responsible for conducting periodic licensing inspections and re-certification surveys for all health care facilities, and investigating complaints against health care facilities from consumers, consumer representatives, ombudsmen, the media, and anonymous sources. L&C is a statutorily mandated enforcement entity.

A. A SCHEDULE FOR HIRING NEW PERSONNEL THAT SPECIFIES THEIR FIELD OFFICES

To meet the legislative mandates of the program, The Budget Act of 2006 authorized 141 new positions for increased licensing and certification workload to protect California's citizens, improve access to necessary services, and meet current statutory requirements.

The 141 new positions authorized in The Budget Act of 2006 are the subject of this legislative report. Table 1 displays the 141 new positions by classification. The Health Facilities Evaluator Nurse (HFEN) is the classification responsible for conducting health facility surveys and complaint investigations. The Pharmaceutical Consultants review and monitor medication-related error reduction plans and participate in surveys with the HFENs. The Health Facilities Evaluators and Program Technicians directly support the HFENs. The Associate Governmental Program Analyst and Associate Personnel Analyst reside in the CDHS Administration Division and provide financial and personnel support to all of L&C.

Table 1 Licensing and Certification FY 2006-2007 New Positions by Classification		
Class Code	Classification	Number of Positions
8011	Health Facilities Evaluator Nurse (HFEN)	96.0
8051	Health Facilities Evaluator II (Supervisor) (HFE II (Sup))	16.0
9928	Program Technician II (PT II)	16.0
7994	Pharmaceutical Consultant II (PC II)	7.0
7963	Pharmaceutical Consultant II (Supervisor) (PC II Sup)	1.0
8052	Health Facilities Evaluator II (HFE II)	3.0
5393	Associate Governmental Program Analyst (AGPA)	1.0
5142	Associate Personnel Analyst (APA)	1.0
	Total	141.0

L&C Workload Positions

CDHS allocated the new positions authorized in the Budget Act of 2006 to L&C District Offices using a "zero based" analysis of federal survey workload, complaint investigations, and state licensing workload per District Office. The analysis quantified the hours spent conducting re-certification and licensing surveys for every facility within the jurisdiction of each District Office, and the hours spent investigating complaints, conducting initial surveys of new providers and writing citations. Table 2 displays the new position allocations based on this analysis.

Table 2
Allocation of FY 2006-2007 New Positions by District Office
Effective July 1, 2006

Location	HFEN	HFE (Sup)	PT II	PC II	PC II (Sup)	HFE II	AGPA	APA	TOTAL
District Office									
Chico	6	1	1						8
Santa Rosa	9	1	1						11
Sacramento	6	1	1						8
East Bay	10	2	1						13
Daly City	8	1	1						10
San Jose	12	1	0						13
Fresno	4	1	1						6
Bakersfield	5	1	1						7
Ventura	3	1	1						5
Orange	8	1	1						10
Riverside	3	1	1						5
San Bernardino	7	1	1						9
San Diego North	4	1	1						6
San Diego South	3	1	1						5
State Facilities Unit	8	1	3						12
L&C Headquarters				7	1	3			11
CDHS Administration Division							1	1	2
Total -	96	16	16	7	1	3	1	1	141

In January 2006, L&C began aggressive recruitment activities to fill the new positions. All L&C District Offices are actively recruiting to fill these positions. Recruitment activities have been targeted according to the needs of the region.

To expedite the hiring process, L&C offers the HFEN examination statewide on a monthly basis and has been working with the CDHS Personnel Office to expedite processing of hiring documents. Successful examination applicants are contacted immediately to schedule hiring interviews.

Table 3 indicates the number of new positions as of July 1, 2006 and a schedule for new hires through June 30, 2007. The "anticipated new hires" is largely based on the anticipated number of new HFEN examination applicants who will be successful in the examination. During September 2006, L&C received 90 applications from qualified applicants. L&C anticipates an increase in the number of applications with the continuation of recruitment efforts.

Table 3
Hiring Schedule for FY 2006-2007 New Positions
July 1, 2006 through June 30, 2007

Location	New Positions as of 07/01/06	Number of Hires Jul – Sept 06	Anticipated Hires			Estimated Vacancies as of 06/30/07
			Oct - Dec 06	Jan - Mar 07	Apr - Jun 07	
District Office						
Chico	8	1	7			0
Santa Rosa	11		3	5	3	0
Sacramento	8		3	4	1	0
East Bay	13			7	6	0
Daly City	10		5	5		0
San Jose	13	1	1	7	4	0
Fresno	6		2	3	1	0
Bakersfield	7	2	2	2	1	0
Ventura	5		2	3		0
Orange	10	4	3	2	1	0
Riverside	5	1		3	1	0
San Bernardino	9	3	5	1		0
San Diego North	6	2		3	1	0
San Diego South	5	3		1	1	0
State Facilities Unit	12	5		4	3	0
L&C Headquarters	11		9	2		0
CDHS Administration Division	2		2			0
Total	141	22	44	52	23	0

B. METHODS FOR RECRUITMENT OF EMPLOYEES FOR FIELD OFFICES

This section focuses on the recruitment of HFENs which make up 96 of the 141 new positions. Due to the competing labor market, HFEN positions have historically been hard to fill. Although AB 1369 (Nunez, Chapter 209, Statutes of 2006) gave HFENs a variety of increased and improved compensation, benefits, and other changes, the compensation package does not keep pace with the competing labor market or salaries for nurses working for the Department of Corrections and Rehabilitation, the Department of Mental Health, and the Department of Developmental Services.

Expedited Exams

- CDHS implemented monthly HFEN statewide examinations in December 2005. Prior to December 2005, the examination was only given every six to nine months. District Offices have been proactive in contacting new candidates each month as soon as the list of applicants passing the examination is available. Examination results through October 2006 are as follows:

Month	Year	New Applicants Passing The Examination
December	2005	34
January	2006	No Exam
February	2006	38
March	2006	15
April	2006	22
May	2006	39
June	2006	34
July	2006	32
August	2006	33
September	2006	47
October	2006	56

On-line Examination

- On July 1, 2006, L&C contracted with the State Personnel Board to develop, implement, and maintain an online HFEN examination. The online examination will be continuously available. Applicants will receive immediate examination results. Upon completion of the examination, successful applicants will be directed to a link that will list available positions. In addition, successful applicants will be simultaneously added to the certification list, allowing District Offices to interview successful candidates in a timelier manner. L&C anticipates that the online examination will be available no later than January 31, 2007.

Advertising

- L&C has aggressively advertised in *NurseWeek*, *Working Nurse*, the *California Job Journal*, *CareerSource Magazine*, and *CareerBuilders.com*. *NurseWeek* is distributed Bi-Weekly throughout California. *Working Nurse* is direct-mailed to all the Registered Nurses (over 100,000) in Los Angeles, Orange County and San Bernardino every three weeks. *Working Nurse* is also distributed to dozens of nursing schools in the Greater Los Angeles area. *CareerSource Magazine* is published once a month and is distributed throughout five Bay Area Counties in California. L&C will continue advertising in these trade association journals on a frequent, periodic basis. District Offices have placed ads in local newspapers for local recruitment needs.
- L&C developed an informational HFEN postcard. The postcard focused on the benefits of state employment and specifically L&C employment (no direct care, flexible work hours, telecommuting, etc.). RNs with qualifying experience may be eligible for the HFEN position. L&C obtained from the Department of Consumer Affairs a list of currently licensed Registered Nurses (RNs). In October 2006, over 190,000 postcards were mailed to licensed RNs in California.

Other Recruitment Initiatives

- Since January 2006, L&C has hired nine Retired annuitant HFENs. Retired annuitants may work a maximum of 960 hours per calendar year. Retired annuitants are trained and fully qualified HFENs who are immediately able to contribute and have a positive impact on accomplishing the required workload.
- In January 2006, L&C established a Personnel Task Force, comprising five District Office Managers, a Field Operations Branch Chief, and L&C personnel staff, to address immediate needs as well as long-term goals for recruitment and retention. This group continues to meet to address problems and research best practices that can be used to recruit and retain staff.
- Since March 2006, L&C has attended 13 job fairs throughout the state, some of which were targeted towards RNs.
- In May 2006, L&C implemented a "Nursing Careers Hot Button" on the CDHS website. Clicking on the hot button directs parties to a web page which informs them of HFEN positions that are available statewide. It further describes the functions of the positions, minimum qualifications, application information, examination dates, salary, training, benefits, and contact information should they have questions. L&C is exploring adding links to other websites.
- The L&C Deputy Director meets weekly with Field Operations Branch Chiefs and District Office Managers to discuss the status of their vacancies and their plans to recruit and fill positions. District Offices that do not have the ability to immediately hire may have positions and workload temporarily shifted to other District Offices with the ability to hire.

Expediting Hiring Process

- L&C is working with CDHS' Personnel Section to streamline the processing of hiring documents.

C. A DESCRIPTION OF TRAINING FOR NEW PERSONNEL

In accordance with the State agreement with the Centers for Medicare and Medicaid Services (CMS) each State Agency must have its own program of staff development for new employees.

To ensure that individuals have the necessary knowledge, skills, and abilities to carry out survey functions, all newly hired surveyors must successfully complete an orientation program (L&C Training Academy) approved by CMS that includes the core elements of the CMS-developed orientation program and State surveyor requirements. The primary objective of the L&C Training Academy (Academy) is to prepare the new employee to assume the responsibilities of a health facility surveyor. The Academy teaches new surveyors principles and practices of conducting surveys and the State complaint process. Parts I, II, and IV are spent in the classroom and take three weeks to complete. Part III, Field Experience, varies between 12-18 weeks.

- **Part I - General Principles**

Outlines the surveyor's role and responsibilities, indoctrination to standards and the survey/certification process, confidentiality, patient rights, techniques of oral communication, basic data-collecting skills, and documentation of findings.

- **Part II - Survey Methods**

Outlines techniques and approaches to surveying standards for administration, medical direction, nursing, patient management, patient care planning, dietary service, pharmacy, medical records, restorative service, patient activities, physical therapy, occupational therapy, fire safety, disaster planning, and other selected Medicare Conditions of Participation (CoPs) and standards for specific suppliers of service, e.g., home health agencies (HHA), end stage renal disease (ESRD.)

- **Part III - Field Experience**

Emphasizes the process of surveying and the practice application of Part I and Part II. The surveyor participates as a team member under supervision of a preceptor in assessing a variety of areas, e.g., patient rights, nursing, medical records, until all areas have been covered.

- Part IV - Regional Office (RO)

Provides an overview of the Federal-State relationship in Medicare and Medicaid programs, requirements for common Medicare/Medicaid standards and procedures, organization and role of HHS in survey and certification programs, the role and relation of the RO to the State Agency, and other selected topics identified by the RO.

In addition, Sections 1819(g)(2)(C)(ii), 1819(g)(2)(E)(iii), 1919(g)(2)(C)(ii), and 1919(g)(2)(E)(iii) of the Social Security Act (the Act) require that individual members of long-term care (LTC) survey teams meet minimum qualifications, established by the Secretary, and pass the Surveyor Minimum Qualifications Test (SMQT).

Prior to taking the SMQT, a LTC surveyor must complete a one-week CMS Orientation Program, and Basic Long Term Care Health Facility Surveyor Training Course.

The SMQT is part of the training and testing program and addresses the knowledge, skills, and abilities needed to conduct standard and extended surveys in LTC facilities.

The SMQT is composed of two modules:

- Module A. - Includes the following LTC facility survey tasks:

Offsite Survey Preparation;
Entrance Conference and Onsite Preparatory Activities;
Initial Tour;
Resident Sampling;
Environmental Assessment (including the environmental aspects of Dietary Services);
Quality of Life Assessment;
Information Analysis and Decision Making; and
Exit Conference.

- Module B. - Includes:

Resident Review (including resident assessments and plans of care);
Closed Record Review;
Nutritional Aspects of Dietary Services System Assessment; and
Medications Review.

Life Safety Code (LSC) surveyors must successfully complete within the first 12 months of employment the basic surveyor training course developed under CMS auspices. LSC surveyors are required to complete an LSC basic course. No individual may serve on a survey team until he or she fulfills this requirement, except as a trainee accompanied onsite by a surveyor who has successfully completed the required training and testing program.

Before any State or Federal surveyor may serve on a survey team (except as a trainee) for an Intermediate Care Facility/Developmentally Disabled, ESRD facility, HHA, or Hospice survey, he/she must have successfully completed the relevant provider-specific Basic course.

CMS estimates that between 18 to 24 months of experience are required for surveyors to become completely proficient in the survey protocols and the principles of investigation and documentation necessary to produce supportable findings.

Training and other Activities in Anticipation of New Staff

- L&C has traditionally used the Health Facilities Evaluator II (HFE II) classification to fill its preceptor positions for training new surveyors. However, due to the disparity in salaries between an HFE II and an HFEN (an HFEN makes more than an HFE II), the HFE II positions became increasingly difficult to fill. L&C worked with CDHS' Personnel Branch to review the needs of the program and the duties of the positions. CDHS' Personnel Branch agreed to reclassify the HFE II positions to HFENs. This change has allowed the L&C Training Section to hire seven new preceptors. Recruitment is ongoing for the remaining three vacancies.
- In a typical year, the L&C Training Section holds two training academies. With the addition of the new preceptors, and in anticipation of the new hires, L&C has doubled the number of academies in 2006-07 and will be holding four sessions this year. L&C will continue to hold as many academies as needed and as can be scheduled to keep pace with new surveyors coming on board.
- During Spring 2006, L&C began lobbying CMS to increase the number of training slots available to California. In recognition of the increased training needs for the state, CMS has scheduled two basic long-term care federal training courses and five specialty courses in California next year. Typically, these courses are held in Baltimore or other out-of-state training sites. By convincing CMS to bring these courses to California, L&C will be able to train more staff more quickly than we have in prior years.

D. METHODS FOR RETAINING NEW PERSONNEL AND EXISTING EMPLOYEES IN THE FIELD OFFICES

Currently, CDHS has "hire-above-minimum" authorization for all new HFENs. HFENs whose official county of employment is Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara, or Sonoma are hired at the maximum salary level (step five) of the classification. All other HFENs are hired at the third step (mid-range) of the salary level. All HFENs also receive a \$200 per month retention & recruitment bonus.

AB 1369 (Nunez, Chapter 209, Statutes of 2006) gave HFENs a variety of increased and improved compensation, benefits, and other changes. However, the compensation package still does not keep pace with the competing labor market or salaries for nurses working for the Department of Corrections and Rehabilitation, the Department of Mental Health, and the Department of Developmental Services.

L&C's Personnel Task Force is developing a survey to be completed by all HFENs and their supervisors. Based upon the results of the survey, L&C will address issues identified to improve job satisfaction, and create a relationship for the exchange of information and ideas between employees, supervisors and management.

L&C anticipates having a contract in place with CPS Human Resource Services by April 1, 2007. CPS will conduct a classification and compensation study. The last classification specifications were established June 30, 1971. Since then state and federal laws have changed, and the scope and intensity of the job has increased dramatically.

Over the next year L&C will use workforce analyses and planning as the foundation for recruitment and retention of our employees and developing a trained, stable HFEN workforce. L&C will employ both short-term and long-term strategies.

As part of the recruitment plan, L&C will look at developing a wide range of recruitment materials and methods such as the use of bilingual recruitment materials and advertising in non-traditional venues.

L&C will evaluate establishing a "recruiter" position.

As part of the classification and compensation study, L&C will look at developing a variety of career ladders, establishing a deep class, and providing longevity pay for HFENs.

L&C will utilize the Superior Accomplishment Award and will seek various avenues for recognizing employees for outstanding contributions of time and effort. To improve recruitment and retention, L&C will also look at what other programs within California as well as other states are doing to recruit and retain qualified and trained staff.

L&C will evaluate its efforts over the past year to determine what best practices for conducting recruitment activities have been most effective.

E. CONCLUSION

The bulk of L&C's "mission critical" work is conducting surveys and complaint investigations to protect the public. Fully-trained surveyors are the most critical element in completing this workload. The L&C Program recognizes the importance of its surveyors and has historically strived to keep these positions filled, despite the myriad of challenges the Program has faced. As demonstrated by the numbers in this report, the Program is already taking aggressive steps to fill existing vacancies. Additionally, L&C is taking steps and exploring options to ensure that surveyors receive the tools they need and the compensation they deserve in order to retain this highly-skilled staff which are vital to protecting the health and safety of California's most vulnerable populations.

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